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## TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)

0609-4970003/BEP/TAC

In re Application of: Frederick M. Boyce

Application No.: 08/752,032

Filed: November 19, 1996

For: Use Of A Baculovirus To Express An Exogenous Gene In A Mammalian Cell

The owner, The General Hospital Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 5,731,182 as the term of said prior patent is defined in 35 U.S.C. 154 granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later expires for failure to pay a maintenance fee;

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has all claims canceled by a reexamination certificate;

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- The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_

F. Toneguzzo  
Signature

5/20/05  
Date

Frances Toneguzzo

Typed or printed name

617-726-1068

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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